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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,604	03/23/2004	Gary S. Hess	910.002	2462
23598 7590 03/25/2008 BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203				
EXAMINER				
AZAD, ABUL K				
ART UNIT		PAPER NUMBER		
2626				
NOTIFICATION DATE		DELIVERY MODE		
03/25/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

### Office Action Summary

**Application No.**

10/806,604

**Applicant(s)**

HESS ET AL.

**Examiner**

ABUL K. AZAD

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on December 18, 2007.
2. Claims 1-9 and 20-29 are pending in this action. Claims 1-9 have been amended. Claims 10-19 have been canceled. Claims 20-29 have been newly added.
3. The applicant's arguments with respect to claims 1-9 and 20-29 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 9-26 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagahara (US 2002/0042790).

As per claim 1, Nagahara teaches, "a computer-implemented method of identifying a translation service provider in response to a translation request", the method comprising:

"registering a plurality of translation service providers with a moderator" (Fig. 1, element 100 "content distribution terminal" as claimed "moderator" and Fig. 2, elements 40, 42 and 44);

"for each of the plurality of translation service provider, creating a translator record for a particular work experience of each translation service previously performed by each translation service provider, the translator record including a plurality of free fields containing data that characterizes the particular work experience of each translation service" (Fig. 6);

"receiving at the moderator a translation request from a user over a network, the translation request seeking a translation service provider to translate a document of the user from a first language to a second language, the translation request including a plurality of free fields each having an associated identifier indicative of a desired work experience of the translation service provider to perform the translation" (Fig. 8); and

"in response to the request record, matching data in at least one free field of the translator records of the plurality of the translation service providers with at least one of the identifiers of the translation request" (Fig. 8); and

"generation a list of candidates of the translation service providers having at least one translator record including at least one matched data in view of the at least one identifier of the translation request to allow the user to select one or more of the candidates to translate the document from the first language to the second language" (Fig. 3).

As per claim 2, Nagahara teaches, "displaying a translator record of a translation service, the translator record having the plurality of free fields" (paragraph 0090);

"inputting data indicative of the particular work experience associated with the translation service into each of the plurality of free fields" (paragraph 0092);

"transmitting the translator record of free fields via an internet connection to the moderator" (paragraph 0116);

"receiving the translator record of free fields at the moderator; and storing the translator record of free fields in storage of the moderator" (Fig. 2, element 42).

As per claim 3, Nagahara teaches, "wherein one of the free fields of the translator record prompts the translation service provider for a language pair identifier indicative of work experience in translating the first language to the second language" (paragraph 0092)

As per claim 4, Nagahara teaches, "wherein the moderator includes a website in communication via an internet connection with the translation service provider and the user making the translation request" (paragraph 0069).

As per claim 5, Nagahara teaches, "wherein the identifiers input into the free fields of the request record includes a language pair indicative of desired work experience in translating from the first language to the second language" (paragraph 0092).

As per claim 6, Nagahara teaches, "displaying each translator record of free fields with at least one free field having data that matches identifiers in one or more of

the free fields of the translation request, wherein each translator record is anonymous in regard to the associated translation service provider" (paragraphs 0106 and 0107).

As per claim 7, Nagahara teaches, "selecting a displayed translator record of free fields associated with the translation service provider having data indicative of work experience that matches one or more identifiers in the translation request ; retrieving from the moderator a contact information for the translation service provider associated with the selected translator record; and displaying the contact information of the translation service provider associated with the selected translator record to the user, such that the user can directly contact the translation service provider in an attempt to negotiate a translation service to be performed on the document of the user" (paragraphs 0109-0110).

As per claim 9, Nagahara teaches, "wherein one of the free fields of the translator record receives data indicative of a subject matter associated with respective translation service" (paragraph 0092).

As per claims 20-26 and 28-29, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-7 and 9.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagahara (2002/0042790) as applied to claim 1 above, and further in view of well-known prior art.

As per claims 8 and 24, Nagahara does not explicitly teach editing and updating the profile of the translator record. Nagahara does teach to create profile of the translator record at moderator. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to edit and update the profile of the translator because one ordinary skill in the art would readily recognized that provides a updated information in the web translation services for proper translation.

#### ***Response to Arguments***

8. The applicant argues that Nagahara fails to teach identifying a translation service provider for a user to translate a document of the user from a first language to a second language, based on the registered translator records of the registered translation service providers.

9. The examiner respectfully disagrees with applicant's assertion because all the claimed limitations are taught by the reference as indicated in the claim rejection above. For example, Nagahara teaches identifying a translation service provider for a user to translate a document from a first language to a second language at Paragraph 0132, here Nagahara teaches if the linguistic level associate with a translation is higher than the linguistic level of the user or the expertise level associate with the translation is higher than the expertise level of the user, translation is selected as dictionary information.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Or faxed to: **(571) 273-8300**.



Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 27, 2008

Abul K. Azad  
Primary Examiner  
Art Unit 2626

/ABUL K. AZAD/  
Primary Examiner, Art Unit 2626